



Office of the Mayor and Council
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

David DuGoff
RE: Case No. CPD-2021-01 Name: College Park Car Wash

Address: 8616 Baltimore Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

August 10, 2021.

CERTIFICATE OF SERVICE

This is to certify that on August 12, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

A handwritten signature in blue ink that reads "Janeen S. Miller".

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

***RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING DEPARTURE NUMBER CPD-2021-01,
8616 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND, REGARDING COLLEGE
PARK CAR WASH, RECOMMENDING APPROVAL OF A DEPARTURE TO PERMIT A
FREE-STANDING SIGN***

- WHEREAS,** the City of College Park (“City”), in accordance with Section 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance") enacted §190-9 of the College Park City Code, which sets forth procedural regulations governing departures from design and landscaping standards, parking and loading standards, and sign design standards; and
- WHEREAS,** the Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment authorizes the City to process Sign Departures for signs that do not comply with development district standards and do not otherwise require a detailed site plan; and
- WHEREAS,** the Advisory Planning Commission (“APC”) is authorized by §190-9 to hear requests for departures from the terms of the Zoning Ordinance and the Prince George’s County Landscape Manual with respect to design and/or landscaping requirements, parking and loading standards and sign design standards, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** the City is authorized by § 190-9 to grant an application for a sign departure if the purposes of the applicable provisions of the Zoning Ordinance will be equally well or better served by the applicant’s proposal; the departure is the minimum necessary given the specific circumstances of this request; the departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district; the departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood; and
- WHEREAS,** The Central US 1 Corridor-Approved Sector Plan prohibits free-standing signs; and
- WHEREAS,** the Mayor and Council are authorized by §190-9 to accept or deny the recommendation of the APC with respect to a departure request; and
- WHEREAS,** The State Highway Administration (SHA) has acquired a 7-foot-wide strip of land along US 1 to accommodate roadway reconstruction. As a result, the existing freestanding sign must be relocated or replaced. The Applicant would like to replace this sign with a smaller and shorter sign behind the reconstructed curb; and

WHEREAS, The Applicant is also requesting a “Financial Hardship Waiver” to reduce the \$2000 Departure Application fee to \$200. The City Code, Section 190-9 B. (2) (a), permits the APC to make this determination. Specifically, it states: “A reduction in the fee may be permitted by the Commission when it finds that payment will cause undue hardship upon the applicant.” Here the APC so found.

WHEREAS, on June 3, 2021, David DuGoff, Owner of College Park Car Wash (hereinafter, the “Applicant”), submitted an application for a departure from Sign Design Standards under the US 1 Corridor Sector Plan Development District Standards; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with §190-9; and

WHEREAS, on July 1, 2021, the APC conducted a hearing on the merits of the departure application, at which time the APC heard testimony and accepted evidence, including the staff report, the staff PowerPoint presentation and exhibits with respect to whether the subject application meets the standards set forth in §190-9; and

WHEREAS, based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend that the requested departure be approved; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC’s findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed; and

WHEREAS, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1.1 The property is zoned MUI, DDOZ.
- 1.2 The property has an area of 1.51 acres.
- 1.3 The property is approximately 253.80 feet wide by 278.54-feet deep.
- 1.4 The property is in the Central US 1 Corridor Sector Plan, Corridor Infill area. Surrounding uses include a 7-Eleven store to the south (which has a freestanding sign), The Enclave Apartments to the north, M-NCPPC open space to the west and Lidl grocery store opposite the subject property on the eastern side of US Route 1. Freestanding signs are not uncommon in this section of US 1/Baltimore Avenue.
- 1.5 The car wash bays are set back 94 feet from the US Route 1 right-of-way.

- 1.6 The sign regulations in the Zoning Ordinance (which apply to properties outside an overlay zone), allow freestanding signs in Commercial Zones when the main building is located at least forty (40) feet behind the front street line. The subject building complies with this requirement since it is setback 94-feet from the front street line. In addition, the proposed sign complies with the Zoning Ordinance maximum height (25-feet-Sec. 27-614. (b) (1)) and square footage regulations (63.25 maximum square footage-Sec. 27-614. (c) (3) (B)).
- 1.7 According to the Applicant, the existing sign is 21-feet tall. The sign is made up of two cabinets. The upper cabinet is about 6-feet by 6-feet and shows the logo of the car wash. The lower panel is about 5-feet by 6-feet and includes a message board with changeable letters.
- 1.8 The proposed sign is 17.5-feet tall. The sign cabinet will be 7.5-feet tall and 7.3-feet wide or 54.75 square feet. The upper section will show the logo and name of the tenant and the lower section will have an LED electronic display board that will follow the requirement of not changing messages more than every 6 seconds (Sec. 27.592).
- 1.9 The face is constructed of opaque aluminum and the letters are routed out. Plexiglass is routed to fit the opening in the face and pushed through. The exposed letters are illuminated from behind by white LEDs. This type of sign construction is permitted in the Sector Plan.

Section 2 Conclusions of Law

2.1 *The purposes of the applicable provisions of the Prince George's County Zoning Ordinance will be equally well or better served by the applicant's proposal.*

a. *To promote the health, safety, and welfare of the present and future inhabitants of the Regional District.*

The sign safely identifies the use. Without a sign near the street, customers may miss the entrance to the driveway and have difficulty returning safely to the site without making U-turns.

b. *To encourage and protect the appropriate use of land, buildings, and structures.*

An identification sign for a business is an appropriate use of land.

c. *To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District.*

Although free-standing signs are not permitted in the DDOZ, some type of free-standing sign has existed at this location since 1967. The proposed sign is smaller, lower, and an upgrade from the existing sign.

- d. To regulate signs that are a hazard to safe motor vehicle operation.*

The proposed sign will not create a hazard to safe motor vehicle operation.

- e. To eliminate structurally unsafe signs that endanger a building, structure, or the public.*

The sign is not structurally unsafe but needs to be relocated for Route 1 reconstruction.

- f. To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.*

The Applicant is replacing an existing sign.

- g. To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.*

The proposed sign is adequate to identify and advertise in a manner that is compatible with land uses in this district. Free-standing signs are not uncommon in this section of US-1/Baltimore Avenue where properties have not been redeveloped.

- 2.2** *The departure is the minimum necessary, given the specific circumstances of the request.*

The sign conforms to the Zoning Ordinance in terms of size (54.4-square feet), and height (17.5-foot tall). Freestanding signs are not permitted; however, since the building is set back 94 feet from the road, and the building to the north is built closer to the road blocking the view of the building, a freestanding sign becomes necessary to advertise the business.

- 2.3** *The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district.*

The departure is necessary to replace and relocate a freestanding sign that must be removed due to SHA ROW acquisition and construction. Due to the setback of the building, a sign on the building is not readily visible from the street. The Zoning Ordinance allows freestanding signs when the commercial building is located over 40-feet away from the right-of-way which is the case for the subject property.

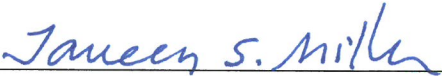
- 2.4 *The departure will not impair the visual, functional or environmental quality or integrity of the site or that of the surrounding neighborhood.*

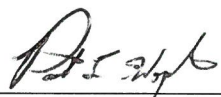
The departure will not impair the visual, functional or environmental quality or integrity of the site or that of the surrounding neighborhood. Larger and taller freestanding signs have existed on the site for over 54 years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, that the application for a departure to relocate and replace the existing freestanding sign is approved, as is the APC's finding that the Departure Application Fee shall be reduced from \$2,030 to \$230 due to the fact that the State Highway Administration's condemnation created the need for the Departure which was unrelated to any need of the property owner.

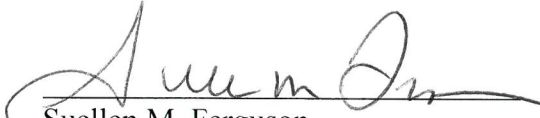
ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 10th day of August 2021.

CITY OF COLLEGE PARK


Janeen S. Miller, CMC
City Clerk


Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


Suellen M. Ferguson
City Attorney